

(B) is consistent with the guidelines for—

(i) the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act (16 U.S.C. 2103c); or

(ii) any other program approved by the Secretary for use under this section to provide consistency with Federal legal requirements for permanent conservation easements.

(2) **CLIMATE MITIGATION CONTRACT; CONTRACT.**—The term “climate mitigation contract” or “contract” means a contract of not less than 15 years that specifies—

(A) the eligible practices that will be undertaken;

(B) the acreage of eligible land on which the practices will be undertaken;

(C) the agreed rate of compensation per acre; and

(D) a schedule to verify that the terms of the contract have been fulfilled.

(3) **ELIGIBLE LAND.**—The term “eligible land” means forest land in the United States that is privately owned at the time of initiation of a climate mitigation contract.

(4) **ELIGIBLE PRACTICE.**—The term “eligible practice” means a forestry practice, including improved forest management that produces marketable forest products, that is determined by the Secretary to provide measurable increases in carbon sequestration and storage beyond customary practices on comparable land.

(5) **PROGRAM.**—The term “program” means the carbon incentives program established under this section.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(b) **SUPPLEMENTAL GREENHOUSE GAS EMISSION REDUCTIONS IN THE UNITED STATES.**—

(1) **IN GENERAL.**—The Secretary shall establish a carbon incentives program to achieve supplemental greenhouse gas emission reductions on private forest land of the United States.

(2) **FINANCIAL INCENTIVE PAYMENTS.**—

(A) **IN GENERAL.**—The Secretary shall provide to owners of eligible land financial incentive payments for—

(i) eligible practices that measurably increase carbon sequestration and storage over a designated period on eligible land, as specified through a climate mitigation contract; and

(ii) subject to subparagraph (B), permanent avoided deforestation agreements on eligible land covered under a climate mitigation contract.

(B) **NO AGREEMENT REQUIRED.**—Eligibility for financial incentive payments under a climate mitigation contract described in subparagraph (A)(i) shall not require an avoided deforestation agreement.

(c) **PERFORMANCE OF SUPPLEMENTAL REDUCTIONS.**—In carrying out the program, the Secretary shall report under subsection (f) on progress toward reaching the following levels of carbon sequestration and storage through climate mitigation contracts:

(1) 100,000,000 tons of carbon reductions by 2020.

(2) 200,000,000 tons of further carbon reductions by 2030.

(d) **PROGRAM REQUIREMENTS.**—

(1) **CONTRACT REQUIRED.**—To participate in the program, an owner of eligible land shall enter into a climate mitigation contract with the Secretary.

(2) **PROGRAM COMPONENTS.**—In establishing the program, the Secretary shall provide that—

(A) funds provided under this section shall not be substituted for, or otherwise used as a basis for reducing, funding authorized or appropriated under other programs to compensate owners of eligible land for activities that are not covered under a climate mitigation contract;

(B) emission reductions or sequestration achieved through a climate mitigation contract shall not be eligible for crediting under any federally established carbon offset program; and

(C) compensation for activities under this program shall be set at such a rate so as not to exceed the net estimated benefit an owner of eligible land would receive for similar practices under any federally established carbon offset program, taking into consideration the costs associated with the issuance of credits and compliance with reversal provisions.

(3) **REVERSALS.**—

(A) **IN GENERAL.**—In developing regulations for climate mitigation contracts, the Secretary shall specify requirements in accordance with this paragraph to address intentional or unintentional reversal of carbon sequestration during the contract period.

(B) **INTENTIONAL REVERSALS.**—If the Secretary finds an owner of eligible land violated a climate mitigation contract by intentionally reversing a practice or otherwise intentionally failing to comply with the contract, the Secretary shall terminate the contract and require the owner to repay any contract payments in an amount that reflects the lost carbon sequestration.

(C) **UNINTENTIONAL REVERSAL.**—If the Secretary finds an eligible practice has been unintentionally reversed due to events outside the control of the owner of eligible land, the Secretary shall reevaluate and may modify or terminate the climate mitigation contract, after consultation with the owner, taking into consideration lost carbon sequestration and the future carbon sequestration potential of the contract.

(e) **INCENTIVE PAYMENTS.**—

(1) **REGULATIONS.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations that specify eligible practices and related compensation rates, standards, and guidelines as the basis for entering into climate mitigation contracts with owners of eligible land.

(2) **SET-ASIDE OF FUNDS FOR CERTAIN PURPOSES.**—

(A) **IN GENERAL.**—Not less than 35 percent of program funds made available under this program for a fiscal year shall be used—

(i) to provide additional incentives for owners of eligible land that carry out activities and enter into agreements that protect carbon reductions and otherwise enhance environmental benefits achieved under a climate mitigation contract; and

(ii) to develop forest carbon monitoring and methodologies that will improve the tracking of carbon gains achieved under the program.

(B) **USE.**—Of the amount of program funds made available for a fiscal year, the Secretary shall use—

(i) at least 25 percent to make funds available on a competitive basis to compensate owners for entering avoided deforestation agreements on land subject to a climate mitigation contract;

(ii) not more than 10 percent to provide incentive payments for additional management activities that increase the adaptive capacity of land under a climate mitigation contract; and

(iii) not more than 2 percent for the Forest Inventory and Analysis Program of the Forest Service to develop improved measurement and monitoring of forest carbon stocks.

(f) **PROGRAM MEASUREMENT, MONITORING, VERIFICATION, AND REPORTING.**—

(1) **MEASUREMENT, MONITORING, AND VERIFICATION.**—The Secretary shall establish and implement protocols that provide monitoring and verification of compliance with climate mitigation contracts, including both

direct and indirect effects and any reversal of sequestration.

(2) **REPORTING REQUIREMENT.**—At least annually, the Secretary shall submit to Congress a report that contains—

(A) an estimate of annual and cumulative reductions achieved as a result of the program, determined using standardized measures, including measures of economic efficiency; and

(B) a summary of any changes to the program that will be made as a result of program measurement, monitoring, and verification.

(3) **AVAILABILITY OF REPORT.**—Each report required by this subsection shall be available to the public through the website of the Department of Agriculture.

(4) **PROGRAM ADJUSTMENTS.**—At least once every 2 years the Secretary shall adjust eligible practices and compensation rates for future climate mitigation contracts based on the results of monitoring under paragraph (1) and reporting under paragraph (2).

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as are necessary.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 237—COMMENDING BLUE STAR FAMILIES FOR SUPPORTING MILITARY FAMILIES AND INCREASING AWARENESS OF THE UNIQUE CHALLENGES OF MILITARY LIFE

Mr. WARNER submitted the following resolution; which was referred to the Committee on Armed Services.

S. RES. 237

Whereas more than 1,000,000 United States troops have served in ongoing operations in Iraq and Afghanistan, including members of the National Guard and Reserve,

Whereas the millions of immediate family members of United States servicemembers, including spouses, children, and parents, have contributed and sacrificed as well;

Whereas the families of each servicemember contribute vitally to the strength of the United States Armed Forces;

Whereas military families, often facing significant challenges such as long separations from loved ones and frequent household moves, are civilians who serve in support of United States servicemembers;

Whereas Blue Star Families is an organization of family members of active duty, National Guard, and Reserve members of the Armed Forces serving during war time, and connects military families with civilian communities, increases awareness of the unique challenges of military life, and provides morale and support for military families; and

Whereas, in order for military families to continue to support servicemembers during this extended period of conflict, the Senate and people of the United States should support military families: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the sacrifices made by Blue Star Families as members of military families and as an organization dedicated to all military families and improving the welfare of the United States;

(2) commends the patriotic efforts of Blue Star Families;

(3) commends, and offers sincere thanks to, all servicemembers and military families; and

(4) urges the people of the United States to acknowledge the inspirational sacrifices of military families.

**SENATE RESOLUTION 238—TO PROVIDE FOR A POINT OF ORDER AGAINST ANY LEGISLATION THAT ELIMINATES OR REDUCES THE ABILITY OF AMERICANS TO KEEP THEIR HEALTH PLAN OR THEIR CHOICE OF DOCTOR OR THAT DECREASES THE NUMBER OF AMERICANS ENROLLED IN PRIVATE HEALTH INSURANCE, WHILE INCREASING THE NUMBER OF AMERICANS ENROLLED IN GOVERNMENT-MANAGED HEALTH CARE**

Mr. DEMINT submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 238

*Resolved,*

**SECTION 1. POINT OF ORDER ON LEGISLATION THAT ELIMINATES OR REDUCES THE ABILITY OF AMERICANS TO KEEP THEIR HEALTH PLAN OR THEIR CHOICE OF DOCTOR.**

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that—

(1) eliminates or reduces the ability of Americans to keep their health plan;

(2) eliminates or reduces the ability of Americans to keep their choice of doctor; or

(3) decreases the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed health care.

(b) SUSPENSION OF POINT OF ORDER.—A point of order raised under subsection (a) shall be suspended in the Senate upon certification by the Congressional Budget Office that such bill, joint resolution, amendment, motion or conference report does not—

(1) eliminate or reduce the ability of Americans to keep their health plan;

(2) eliminate or reduce the ability of Americans to keep their choice of doctor; or

(3) decrease the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed health care.

(c) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**SENATE RESOLUTION 239—SUPPORTING THE GOALS AND IDEALS OF “NATIONAL PURPLE HEART RECOGNITION DAY”**

Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. CARDIN, Mr. LIEBERMAN, Ms. MURKOWSKI, Mr. SESSIONS, and Mrs. SHAHEEN) submitted the following resolution; which was considered and agreed to:

S. RES. 239

Whereas the Purple Heart is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President to a member of

the Armed Forces who is wounded in a conflict with an enemy force or is wounded while held by an enemy force as a prisoner of war, and is awarded posthumously to the next of kin of a member of the Armed Forces who is killed in a conflict with an enemy force or who dies of wounds received in a conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of the birth of George Washington, out of respect for his memory and military achievements; and

Whereas observing National Purple Heart Recognition Day is a fitting tribute to George Washington and to the more than 1,535,000 recipients of the Purple Heart, approximately 550,000 of whom are still living: Now, therefore, be it

*Resolved,* That the Senate—

(1) supports the goals and ideals of “National Purple Heart Recognition Day”;

(2) encourages all people in the United States to learn about the history of the Purple Heart and to honor its recipients; and

(3) calls upon the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for members of the Armed Forces who have been awarded the Purple Heart.

**SENATE RESOLUTION 240—DESIGNATING SEPTEMBER 9, 2009, AS “NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY”**

Ms. MURKOWSKI (for herself, Mr. JOHNSON, Mr. HATCH, Mr. DORGAN, and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

S. RES. 240

Whereas the term “fetal alcohol spectrum disorders” includes a broader range of conditions and therefore has replaced the term “fetal alcohol syndrome” as the umbrella term describing the range of effects that can occur in an individual whose mother drank alcohol during pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of cognitive disability in western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas although the economic costs of fetal alcohol spectrum disorders are difficult to estimate, the cost of fetal alcohol syndrome alone in the United States was \$5,400,000,000 in 2003, and it is estimated that each individual with fetal alcohol syndrome will cost taxpayers of the United States between \$1,500,000 and \$3,000,000 in his or her lifetime;

Whereas in February 1999, a small group of parents of children who suffer from fetal alcohol spectrum disorders came together with the hope that in 1 magic moment the world could be made aware of the devastating con-

sequences of alcohol consumption during pregnancy;

Whereas the first International Fetal Alcohol Syndrome Awareness Day was observed on September 9, 1999;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked “What if ... a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol ... would the rest of the world listen?”; and

Whereas on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates September 9, 2009, as “National Fetal Alcohol Spectrum Disorders Awareness Day”; and

(2) calls upon the people of the United States—

(A) to observe National Fetal Alcohol Spectrum Disorders Awareness Day with appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize further effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) to observe a moment of reflection on the ninth hour of September 9, 2009, to remember that during the 9 months of pregnancy a woman should not consume alcohol.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2290. Mr. REED submitted an amendment intended to be proposed to amendment SA 2284 proposed by Mr. DODD to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2291. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2240 proposed by Mr. BARRASSO (for himself, Mr. VITTER, Mr. HATCH, Mr. ROBERTS, Mr. ENZI, Mr. THUNE, and Mr. JOHANNES) to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2292. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2276 submitted by Mr. SANDERS to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2293. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2276 submitted by Mr. SANDERS to the amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2294. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.